

TO: <b>Mail Stop 8</b> <b>Director of the U.S. Patent and Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court W/D LOUISIANA on the following  Patents or  Trademarks:

DOCKET NO 6:08cv0431	DATE FILED 3/31/2008	U.S. DISTRICT COURT W/D LOUISIANA	
PLAINTIFF McCOY CORP et al		DEFENDANT ECKEL MANUFACTURING CO INC	
PATENT OR TRADEMARK NO.		DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,036,397			SEE ATTACHED
2 6,755,097			
3 6,378,399			
4			
5			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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ROBERT H. SHEMWELL, CLERK	(BY) DEPUTY CLERK <i>Sandra Q. Dean</i>	DATE 04/01/08
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Copy 1—Upon initiation of action, mail this copy to Director    Copy 3—Upon termination of action, mail this copy to Director  
 Copy 2—Upon filing document adding patent(s), mail this copy to Director    Copy 4—Case file copy

RECEIVED

MAR 31 2008

ROBERT H. BIRMINGHAM, CLERK  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

MCCOY CORPORATION & SUPERIOR  
MANUFACTURING & HYDRAULICS, INC.,  
Plaintiffs

CIVIL ACTION NO.

**6:08-CV-0431 LAF**

VERSUS

ECKEL MANUFACTURING CO. INC.,  
Defendant

**COMPLAINT**

Plaintiffs, MCCOY CORPORATION and SUPERIOR MANUFACTURING &  
HYDRAULICS, INC., by way of complaint against Defendant, ECKEL MANUFACTURING  
CO. INC., hereby allege and say:

**NATURE OF THE CASE**

1. McCoy Corporation and Superior Manufacturing & Hydraulics, Inc. (hereinafter collectively referred to as "Plaintiffs") file this lawsuit to enforce United States Patent Nos. 7,036,397 ("the '397 Patent"), 6,755,097 ("the '097 Patent"), and 6,378,399 ("the '399 Patent") against Eckel Manufacturing Co. Inc. ("Defendant").

**THE PARTIES**

2. McCoy Corporation ("McCoy") is a corporation duly organized and existing under the laws of Alberta, Canada, and has a principal place of business at #301, 9618 42nd Avenue, Edmonton, Alberta, Canada T6E 5Y4.

3. McCoy is the owner of record of the '397, '097, and '399 Patents ("the Patents-In-Suit").

4. Superior Manufacturing & Hydraulics, Inc. ("Superior") is a corporation duly organized and existing under the laws of the State of Louisiana, and has a principal place of business at 4225 Highway 90 E., Broussard, Louisiana 70518.

5. Defendant is a corporation duly organized and existing under the laws of the State of Texas, and has a principal place of business in Odessa, Texas.

6. Defendant manufactures and sells power tongs and backup tongs which include dies for gripping a tubular. Defendant does business in the State of Louisiana.

#### **JURISDICTION AND VENUE**

7. This is an action for the enforcement of patents. Subject matter jurisdiction is based upon the patent laws of the United States, 35 U.S.C. § 1, *et seq.*, and 28 USC §§ 1331 and 1338.

8. Venue is proper in this district under 28 U.S.C. § 1391 and 1400 (b).

#### **BACKGROUND**

9. Daniel S. Bangert filed the '397 Patent application on July 23, 2003, listing himself as the inventor. The '397 Patent issued on May 2, 2006. A true and correct copy of the patent is attached as Exhibit A.

10. Daniel S. Bangert filed the '097 Patent application on March 14, 2002, listing himself as the inventor. The '097 Patent issued on June 29, 2004. A true and correct copy of the patent is attached as Exhibit B.

11. Daniel S. Bangert filed the '399 Patent application on March 12, 1999, listing himself as the inventor. The '399 Patent issued on April 30, 2002. A true and correct copy of the patent is attached as Exhibit C.

12. On January 22, 2008, an assignment was recorded at the United States Patent and Trademark Office ("USPTO") assigning all rights, title and interest in the '397 Patent to McCoy.

13. On January 22, 2008, an assignment was recorded at the USPTO assigning all rights, title and interest in the '097 Patent to McCoy.

14. On January 22, 2008, an assignment was recorded at the USPTO assigning all rights, title and interest in the '399 Patent to McCoy.

15. McCoy granted Superior a non-exclusive verbal license to the Patents-In-Suit.

## COUNT I

### **(Patent Infringement of the '397, '097, and '399 Patents Against Eckel)**

16. McCoy alleges and incorporates by reference the allegations contained in paragraphs 1-15.

17. Defendant displayed its dies at the Louisiana Gulf Coast Oil Exposition on October 23 – October 25, 2007 in Lafayette, Louisiana. Upon information and belief, the dies displayed at the Louisiana Gulf Coast Oil Exposition infringed the Patents-In-Suit.

18. Defendant was notified of Plaintiffs' Patents-In-Suit on November 27, 2007 by letter from counsel for Superior.

19. Upon information and belief, Defendant has continued to sell and offer for sale dies that infringe the Patents-In-Suit.

20. Upon information and belief, Defendant is currently offering for sale and selling infringing products in the Western District of Louisiana and elsewhere.

21. Defendant has willfully and knowingly infringed the '397, '097, and '399 Patents in defiance of McCoy's rights.

## **JURY DEMAND**

Plaintiffs demand a trial by jury on all issues so triable in the complaint.

## **REMEDIES**

WHEREFORE, Plaintiffs pray that this Court:

1. Permanently enjoin Defendant, its agents, attorneys, successors and assigns, and all persons acting on their behalf or within their control, from making, using, selling, offering to sell, importing, or otherwise engaging in acts of infringement of the Patents-In-Suit;
2. Enter judgment that the Patents-In-Suit are valid, enforceable, and infringed by Defendant;
3. Award McCoy its damages, with interest, resulting from Defendant's patent infringement pursuant to 35 U.S.C. § 284;
4. Award treble damages pursuant to 35 U.S.C. § 284;
5. Award Plaintiffs their reasonable attorney fees, pursuant to 35 U.S.C. § 285 or other law; and
6. Award Plaintiffs any such other and further relief as the Court may deem just and proper.

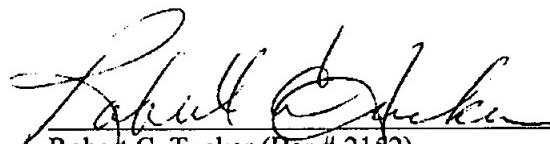
Respectfully submitted,



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